

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOSEPH MIRAKAY, LOUIS)
MESSINA MICHAEL ELEFTERAKIS)
& JOHN GEMBINSKI, on behalf of) Case No. 13-cv-04429-JAP-LHG
themselves and)
Others similarly situated,)
Plaintiff,) **RETURN DATE: September 24, 2014**
v.)
DAKOTA GROWERS PASTA)
COMPANY, INC.; GLENCORE)
XSTRATA; and VITERRA, INC.,)
Defendants.

**NOTICE OF PLAINTIFFS' UNOPPOSED MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE that, on September 24, 2014 at 10:00 a.m. or as soon thereafter as counsel may be heard, Plaintiffs Joseph Mirakay, Louis Messina Michael Elefterakis and John Gembinski (collectively "Plaintiffs") shall move before the Honorable Joel A. Pisano at the United States District Court for the District of New Jersey, Courtroom #1, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608, for an order approving the class action settlement with Defendant Dakota Growers Pasta Company, Inc.

PLEASE TAKE FURTHER NOTICE that in support of their motion, Plaintiffs will rely upon the accompanying Memorandum of Law and Declarations of Thomas J. Maronick, Shannon Wheatman and April Hyduk. Pursuant to L. Civ. R. 78.1(b), Plaintiffs request oral argument.

Date: September 10, 2014

Respectfully submitted,

s/ Daniel Gluck

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